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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/726,850

12/02/2003

Thomas Patrick Dawson

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EXAMINER

SAID, MANSOUR M

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

07/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/726,850	Applicant(s) DAWSON, THOMAS PATRICK	
	Examiner MANSOUR M. SAID	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16-25, 27-44 and 56-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-25, 27-36, 56-61 and 4144 is/are allowed.
- 6) ☒ Claim(s) 37-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/02/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in respond to the amendment filed on May 8, 2007.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lacroix et al. (2003/0058216 A1; hereinafter referred to as Lacroix) in view of Ben Ayed (2005/0110778 A1; hereinafter referred to as Ben).**

As to claim 37, Lacroix teaches a wireless stylus comprising (figure 1 page 2, paragraphs 0017 and 0019): a means for housing components (haptic feedback interface device, (figure 1, (12)) and page 2, paragraph 0020); a means for processing data (local processor, (figure 1, (110)), said processing means being disposed in said housing means (haptic feedback interface device, (figure 1, (12)) and page 2, paragraph 0020); for wireless communication disposed in said housing means and configured to processing haptic commands (figure 1 and page 2, paragraph 0021) and communicatively coupled to said processing means (figure 1, page2, paragraphs 0017, and 0021-0022); and a means for actuating communicatively coupled to said processing means (local processor, (figure 1, (110)) (figure 1 and page 2, paragraph

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0021), wherein said actuating means (actuator interface, (figure 1, (116)) is configured to produce a haptic sensation under control of said processing means in response to said haptic commands (figure 1, page2, paragraphs 0017 and page 2, paragraph 0021).

Lacroix does not teach ink dispensing for dispensing ink when the stylus is used as a writing instrument with an ink-receiving medium.

However, Ben teaches a wireless handwriting input device includes visual, audio, tactile or mechanical user interface and an ink cartridge for dispensing ink (figures 1-4, page 3, paragraph 0044, page 3, paragraph 0047, page 4, paragraph 0068, page 5, paragraph 0069 and page 5, paragraph 0080).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate Ben's wireless input having an ink cartridge for dispensing ink into Lacroix's input device so as to write and drawing on any surface by sending an information to processor (page 5, paragraph 0080).

As to claim 39, Lacroix teaches a power supply disposed in said housing; wherein said power supply is configured to selectively provide power to said CPU and said actuator (figure 1 and page 3, paragraph 0030).

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As to claim 38, Lacroix teaches wherein said means for wireless communication is configured to receive haptic commands from a host computing device and wherein said means for processing is configured to control said means for actuating in response to said haptic commands (figure 1 and page 2, paragraph 0017).

As to claim 39, Lacroix teaches further comprising a power supply disposed in said housing; wherein said power supply is configured to selectively provide power to said CPU and said actuator (figure 1 and page 3, paragraph 0030).

As to claim 40, Lacroix teaches wherein said haptic commands from a host computing device are associated with an input signal received by a host application running on said host computing device (figure 1 and page 2, paragraphs 0021-022).

Allowable Subject Matter

4. Claims 1-14, 16-25, 27-36, 41-44 and 56-61.

Response to Arguments

5. Applicant's arguments with respect to claims 37-40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mansour M. Said whose telephone number is 571-272-7679. The examiner can normally be reached on Monday through Thursday from 8:30-6:00 P.M. The examiner can also be reached on alternate Friday from 8:30 a.m. to 5:00 p.m. EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe whose telephone number is 571-272-7681.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: 571-273-8300 (for Technology Center 2600 only)

Hand-delivered responses should be brought to the Customer Service Window at the

Randolph Building, 401, Dulany Street, Alexandria, VA 22314.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mansour M. Said

7/22/07

A handwritten signature in black ink, appearing to read 'R. Hjerpe', is positioned above the printed name.

RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600